

# Legal Rights of Children With Disabilities and Charter Schools

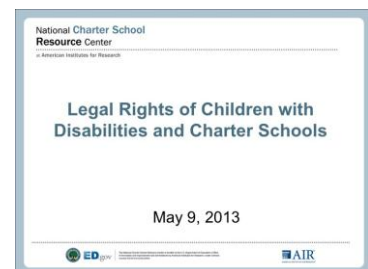
## Part 1



**Slide 1**

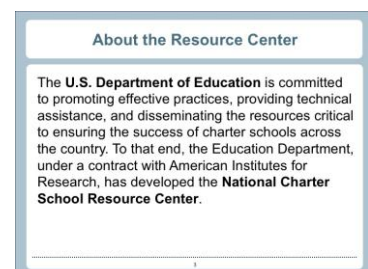
### **TAMMIE KNIGHTS:**

Good afternoon everyone. My name is Tammie Knights from the National Charter School Resource Center, and I am pleased to welcome you to the webinar, "Legal Rights of Children With Disabilities and Charter Schools."



**Slide 2**

The Resource Center is funded by the Department of Education's Charter Schools Program and serves as a national center to provide resources, information, and technical assistance to support the successful planning, authorizing, implementation, and sustainability of high-quality charter schools; to share evaluations on the effects of charter schools; and to disseminate information about successful practices in charter schools.



**Slide 3**

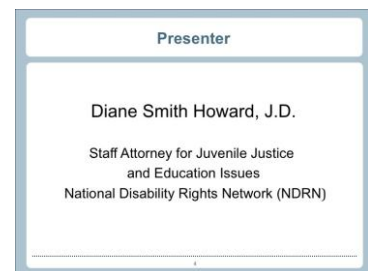
I want to quickly remind you about our webinar platform. You can listen to the audio portion either through your computer or over the phone. If you do join by phone, please mute your computer speakers to prevent an echo effect. If you are not prompted to enter your phone number, please dial the number that is listed in the chat.

For any questions you have, please enter them in the chat throughout the webinar. We have quite a few folks on the webinar—over 200—so we are going to keep everyone muted to avoid some background noise, as we are recording the webinar. If you enter your questions in the chat, we will keep tally of those and either answer them throughout the webinar or at the end.

In addition, our presenters have agreed to stay on a little bit longer after our webinar in order to finish answering questions if we don't get to all of them.

You will find the PowerPoint of today's presentation located directly in the File Share [window], if you need to download that. Like I said before, the webinar is being recorded, so we are going to try to keep everyone muted to make sure that the quality is the best possible.

With that said, I'm going to turn it over to Diane Smith Howard, the staff attorney for juvenile justice and education issues at the [National Disability Rights Network](#) (NDRN) so we can get to all of your questions. Diane, it's all yours.



**Slide 4**

**DIANE SMITH HOWARD:**

Thank you. This is Diane Smith Howard. I'm also joined here today by Ronald Hager, who is a senior staff attorney for education, also at [the] National Disability Rights Network. NDRN is the national support center and association of membership for the Protection Advocacy Agency. There is a Protection Advocacy Agency in every state and territory—there are 57 of them—and they are nonprofit organizations that receive federal funding and have federal authority to protect the rights of people with disabilities. We are essentially a national network of law firms that represent people with disabilities, and [so we] do a lot of education work. So we bring to this conversation today our expertise about the situations that we see in our work and our understanding of the law.

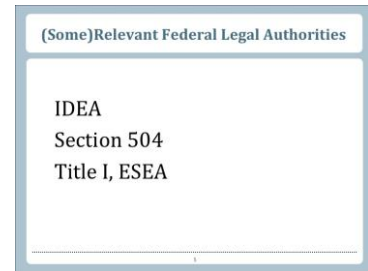
I'm going to start by doing a brief overview of the law just to make [inaudible] have questions. So I want to make sure that—I think someone needs to mute perhaps out there—I want to make sure that we have time for questions, and so I'll be doing that.

But before I get started I think, based on the questions that I've seen from the people have sent in before the webinar started, I think the mantra I would provide for you is that if you follow the IDEA [[Individuals with Disabilities Act](#)] or the [Section] 504 [of the [Rehabilitation Act](#)] procedures and you use an individualized analysis, a great number of the kinds of issues that might arise can be avoided. So sticking with the procedures [inaudible] have set forth and also using an individualized analysis and looking at the needs of individualized children is the best way to prevent problems.

Just to go over what a charter school is, pursuant to the [ESEA](#) [[Elementary and Secondary Education Act](#)], which is the federal law, which Title I or the No Child Left Behind Act is part of, a “charter school” complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education [inaudible] of 1972, Section 504 of the Rehab[ilitation] Act, Title II of the ADA [[Americans with Disabilities Act](#)], and Part B of the IDEA. In other words, by definition, a charter school is an entity that complies with 504, ADA, and the IDEA.

Now one of the things that seems to come up most is [as follows:] “What are charter schools’ responsibilities with regard to children with disabilities under the IDEA and under Section 504?” I cannot answer any of those questions until we determine whether we’re talking about a charter school that is its own LEA [local education agency], or is part of another LEA, or is neither. Fortunately, the IDEA and Section 504 answer those questions.

So for the IDEA, 34 CFR 300.209, says that a charter school that is a public school within an LEA must serve children with disabilities attending those schools in the same manner



**Slide 5**

as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on-site of the charter school to the same extent which the LEA has a policy or practice of providing such services to its other schools, and to provide funds under Part B—in other words, federal special education funds. If the public charter school is a school of an LEA that receives funding, the LEA is responsible for ensuring that the requirements of this part are met. In other words, if the charter school is part of a local education agency, then the LEA—local education agency or the school district—is responsible for making sure that the IDEA is complied with—that all of its requirements are followed—and also for providing the same amount of federal funding to that charter school as it would any other school in its district.

If the charter school is its own LEA—in other words, its own school district—the public charter school, according to Section C of that same regulation, is responsible for ensuring that the requirements of this part are met, unless state law assigns that responsibility to some other entity. At the end of the day, the state education agency [SEA], which is usually the state department of education, is responsible for making sure that the requirements of the IDEA are followed. So at the end of the day, the SEA is ultimately responsible, but whether these services are provided and paid for by the charter school or by the school district depends on whether the charter school is part of a district or not.

We're going to talk about this in much more detail as we continue through the hour, so if you have questions, hopefully we will be addressing them in some other way because it's a little bit confusing. But, in short, children with disabilities who are eligible for special education services have an IEP [individualized education program] receive the same services they would in a charter school that they do in any other public school. There's no difference there, and so we'll talk about what those requirements are. Similarly, if a child has a 504 plan or is eligible under Section 504 of the

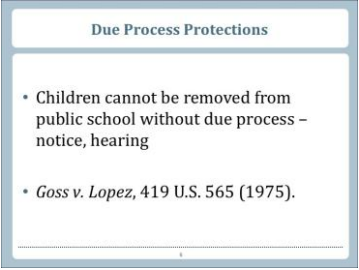
Rehab[ilitation] Act and they attend a charter school, they have the same rights as any other child with a disability who has a 504 plan in public school because a charter school is a public school in the same manner. So although charter schools do have different requirements under state and local laws than other public schools do, when it comes to the IDEA and Section 504, it's the same in large part, and so we are going to proceed going forward on those requirements.

I just want to talk very briefly about Title I of the ESEA, which is No Child Left Behind. Basically, No Child Left Behind does apply to charter schools—I'm sure you're all well aware of that—but the ways in which the accountability mechanisms are used do vary by state law.

I think I'm ready to proceed to the next slide. Just in general, children with disabilities cannot be removed from public school without notice in a hearing because they are children in public school, and all public school children cannot be removed from school for a long period of time—like two weeks or more—pursuant to the Supreme Court case from the early [19]70s called *Goss v. Lopez*. So just generally speaking, children with disabilities receive due process if they're to be removed from school just as any other child would. You can't throw any child out of school without due process notice in a hearing.

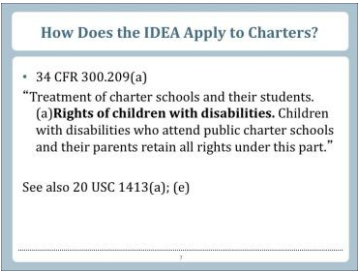
We've already talked about 34 CFR 300.209, so I'm going to skip that.

Are there any particular questions or do I need to take a break before I leap into the next section here? Speaking to the moderators I think. Okay.



Slide 6 is titled "Due Process Protections". It contains two bullet points: "Children cannot be removed from public school without due process – notice, hearing" and "*Goss v. Lopez*, 419 U.S. 565 (1975).".

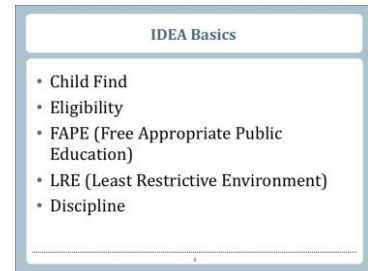
Slide 6



Slide 7 is titled "How Does the IDEA Apply to Charters?". It contains a bullet point: "34 CFR 300.209(a) 'Treatment of charter schools and their students. (a) **Rights of children with disabilities.** Children with disabilities who attend public charter schools and their parents retain all rights under this part.'". It also includes the text "See also 20 USC 1413(a); (e)".

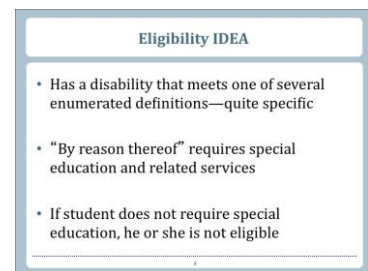
Slide 7

Child Find applies. IDEA is, of course, the federal special education law that allows children with disabilities to receive an IEP, and there are two elements to that: Child Find and eligibility. Child Find is the independent responsibility of the charter school and/or the school district and/or the SEA to locate and evaluate and serve all children with disabilities, which means that there is a proactive obligation to provide those services.



**Slide 8**

Eligibility under the IDEA is quite scripted. It's very clear in the regulations how a child becomes eligible for special education, and I notice that there [are] some questions about that, so I want to take a moment and talk about it.



**Slide 9**

A child becomes eligible under the IDEA if he or she has a disability that meets one of several enumerated definitions. In federal law, I think there are 12 or 13, [and] some states have additional ones. So the first question is, "Looking at those eligibility definitions, like autism, for example, does the child meet the requirements of that category, and if, by reason thereof, do they require special education?" If the child does not require special education, he or she is not eligible under the IDEA, but they might be eligible under Section 504.

One of the questions I think we'll probably be talking about later on is whether the interplay between RTI—or response to intervention—and eligibility, and they are, there is a connection between the two. I mean a school district and/or a charter school may use response to intervention techniques, but at any point in time, the parent can request that a child be evaluated for eligibility under the IDEA. So it cannot be the case that certain things have to be tried first before eligibility is determined.

Now, generally speaking, it's a good idea to try intervention, and some districts will even say in their policies or in state regulation that a certain number of interventions must be tried and that isn't exactly true. I mean you can request an eligibility determination—evaluation any time, but if there are

response to intervention procedures in place, I think it makes sense. But one thing with the IDEA makes very clear is the child may be eligible for special education, even if they're advancing from grade to grade, and they cannot be required to fail to prove their need for eligibility. The eligibility determination is determined based on whether or not, again, they meet the enumerated categories and whether or not they need special education, which means specially modified instruction.

FAPE, which is the measure of whether or not the IDEA is being complied with—the free appropriate public education requirement—is available to all students with disabilities ages 3 through 21, especially, as we talked about, if they are attending a charter school, and the right to FAPE ends when the child graduates with a regular education diploma. A certificate or a GED [general equivalency diploma] does not end eligibility. It is the standard by which sufficiency in the law is permanent, and it must be provided at no cost to parents or students, although the school district may apply for Medicaid or private insurance with parent permission. There's been recent OSEP [[Office of Special Education Programs](#)] guidance on that.

We talked already about Child Find.

Placement decisions: This is something that has come up a lot in the questions, too. Placement decisions—whether a child is going to be removed from a program or moved to another program or whether a program is going to end for a student—those decisions must be made by a child's placement team, which is a group of individuals who [inaudible] the child's needs, who are knowledgeable about the student, and look at the least restrictive environment

**Free Appropriate Public Education (FAPE)**

Available to all students with disabilities aged 3 through 21 (or later if state law)

20 U.S.C. § 1414(c)(5)(i): The right to a FAPE ends when a student graduates with a regular high school diploma.

Certificate/GED is not a diploma

**FAPE (cont.)**

Is the standard by which sufficiency is determined.

Must be at no cost to parents or student-may use Medicaid & private insurance with permission.

## Slides 10 and 11

**Child Find**

- Locate, evaluate and identify students with disabilities.
- 2006 regulations-applies even to children advancing from grade to grade. 34 C.F.R. § 300.101(c).

## Slide 12

**Placement Decisions**

Made by group of knowledgeable persons and in conformity with LRE provisions

Child's Placement is determined annually, based on the IEP and close as possible to child's home

Should attend school would attend if not disabled

LRE: considers potential harmful effect on child or quality of services needed

## Slide 13



[LRE] requirement. A child's placement cannot be changed without a convening of the placement team and a determination.

A child cannot be removed from a program solely because of needed modifications to the general curriculum, and parental consent is needed before special education can be provided.

The least restrictive environment is something that's come up a lot in the questions, too. A child with a disability must receive services in the same environment as their nondisabled peers to the maximum extent appropriate. They must still consider the child's ability to progress and their impact on classmates, but they also need to consider that very strong language—maximum extent—and that means that a child may not be removed from regular education if, may be removed only if the nature and severity of the disability is such that education and regular classes with supplementary aids and services cannot be achieved. In other words, you have to try the supplementary aids and services first and see if that solves the problem before you move a child out of a program. Again, a child cannot be removed out of a program unless the placement team has met and determined that's appropriate. Supplementary aids and services are those things which allow the child to remain in the regular environment like, for example, behavior planning and behavior services, and may include assistive technology. [The] least restrictive environment requirement includes extra-curriculars, so if a child needs supplementary services to play in a sport or to participate in Chess Club, the district must provide those things.

**Placement Decisions**  
Cannot remove a child solely because of need to modify general curriculum  
Need parental consent before providing initial special education services in most cases.  
Schools must make attempts to involve parents in IEP/placement meetings. If cannot obtain involvement school may make placement decision without parent.

#### Slide 14

**Least Restrictive Environment**  
Core concept referred to as inclusion, integration or mainstreaming  
Child with a disability must receive services in same environment as non-disabled peers to "maximum extent appropriate."  
Must still consider child's ability to progress and impact on classmates.

**LRE**  
...Removed from the regular education environment only if the nature or severity of the disability is such that education in regular classes with **supplementary aids and services** cannot be achieved satisfactorily.  
Supplementary aids and services: Assist children to remain in regular education environment and includes assistive technology.  
LRE includes extracurricular activities.

#### Slides 15 and 16

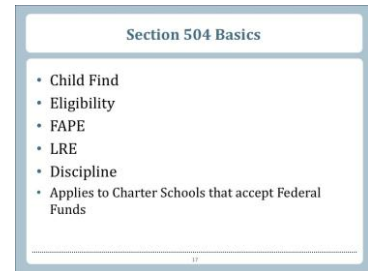


Section 504 is similar to the IDEA, although the eligibility requirements are less stringent; however, the requirement for FAPE is the same. And one thing I noticed in the questions is that it seems as though a lot of charter schools use Section 504 plans instead of IEPs for students. First of all, that may be a violation of Child Find because the children who are eligible for special ed[ucation] need to receive it. But, also, it's important to know that school districts get federal funds for IDEA. They do not get federal funds for Section 504, so there may be a financial incentive to look at eligibility for special education, particularly because the requirements under [Section] 504 are not any less stringent.

You know, there are, well, there are very small exceptions, but under Section 504, a district must provide a student with free appropriate public education, which can be just as comprehensive and just as expensive as it is under IDEA. Section 504 applies to all charter schools that accept federal funds and, by definition that would be all that meet the requirements of a[n] ESEA definition. They have to consider least restrictive environment and talk about discipline just as we do with special education.

I want to take a minute here and talk about the IDEA's discipline requirements because I think there have been a lot of questions about that. A charter school needs to comply with the IDEA and Section 504's discipline protections before they can remove a child from school or shorten a student's school day. By that I mean if the student is going to be receiving fewer hours of educational service or a few more hours of school than other kids their age do, this process needs to be complied with. It's similar under [Section] 504, but I'll go through the special education requirements which come in from 20 USC 1412k, 1415k—excuse me.

School personnel may consider any unique circumstance on a case-by-case basis when determining whether to order a change in placement for a child with disability who violates a



**Slide 17**

code of student conduct. So Number 1, before a child can be removed from school, he or she must have violated a written code of student conduct. School personnel may remove the child for not more than 10 days unless they do the following things. If school personnel seek to order a change in placement that exceeds 10 school days and the behavior that gave rise to the violation is determined not to be a manifestation of the child's disability, the child may be punished the same as any other child. The child with a disability who is removed from placement under that circumstance must still continue to receive educational services and, if appropriate, get a functional behavioral assessment and behavioral intervention services. So even if what the child did was not a manifestation of a disability, the child cannot be removed from school without receiving services, and that requirement can be somewhat expensive. We'll talk more about that in a minute.

All children with disabilities who have an IEP or have a 504 plan cannot be removed from school for more than 10 school days, except as provided, in Paragraph B, that within 10 school days the LEA or the charter school, the parent or relevant members of the IEP team must convene a meeting to determine whether the conduct in question was caused by or had a direct and substantial relationship to the disability or was a direct result of the LEA's failure to implement the IEP.

So there [are] two prongs to that. One is whether the behavior was caused by or had a direct and substantial relationship to the disability or if the IEP and relevant parts of that IEP were not properly implemented. If that's true, then it's determined to be a manifestation of the disability, in which case the child receives some services, including a functional behavioral assessment and a behavioral intervention plan, to prevent that problem from recurring, and the child goes right back into the program he or she was in—unless the child does one of three very bad things: carries or possesses a weapon, knowingly possesses or uses illegal drugs, or has inflicted serious bodily injury. The

definition of serious bodily injury is quite serious. It's actually very intensive and a threat of serious bodily injury is not sufficient to qualify for these special circumstances.

If the child has done one of those three very bad things, the child may be removed to an interim, alternative educational setting for not more than 45 school days. However, when that child is in that program, that child needs to receive the services in their IEP and that includes related services. And so oftentimes what turns out to be the case that it's much complicated to serve a child outside of school and provide all the services in the IEP because you need to still make sure that the child is having access to the whole general curriculum, not just math[ematics] and reading, and also related services, including speech therapy and so forth. So that can be complicated to provide for 45 days or more.

I'm going to stop talking about discipline now, although I'm guessing there will probably be some more questions about that, and talk briefly about eligibility for [Section] 504.

In order to be eligible under Section 504, the child has to have a medical—a mental—or physical impairment which substantially limits a major life activity, or has a record of such impairment, or is regarded as [inaudible] and that doesn't come up much in the school district. [Inaudible] or special education and related services, and/or needs accommodations. One of the places that this comes up a lot in the charter school context is if the charter school has admission requirements, like all children who attend this school must receive a particular grade on a particular admittance test. A child who has a 504 plan must be provided accommodations to meet those requirements, if accommodations are needed—same as they would under Title II of the ADA. So in terms of determining whether a child is eligible for enrollment in a particular charter school based on those criteria, you would need to accept and provide accommodations that is necessary for children with 504 plans.

Eligibility 504

- Mental or physical impairment
  - Which substantially limits a major life activity
  - Has a record of such impairment, or
  - Is regarded by others as having an impairment
- Needs regular or special education and related aids and services
- Therefore, needed accommodations to regular education program are sufficient.

Title I Basics

- Must report as required by public schools.
- Accountability: Varies based on state law.

**Slides 18 and 19**

All right, and we're going to move on to some of the issues that our network sees and then talk about those briefly—and this is where I want to ask Ron Hager to join in with me—and then we're going to go through some of the questions that were provided prior to the webinar and any of the new questions that come in that are provided to us by our moderator. So, Ron, are you on the line?

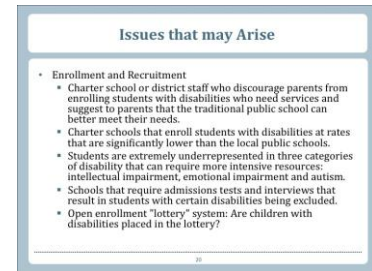
**RONALD HAGER:**

I am here. I've been busy typing away trying to answer questions, but, yeah, I'm here.

**DIANE SMITH HOWARD:**

Thank you. All right. Well, the first one we're going to talk about is our network reports hearing about cases where school staff discourage parents from enrolling students with disabilities who needs services and suggest to parents that the traditional public school might better meet their needs. I guess I would take a breath there and go back to our mantra, which is [to] follow the procedures and use an individualized analysis. If a child is otherwise qualifying for the program, then they need to be allowed to enroll and they need to be provided services, and the service to be provided either by the LEA, if the charter school is part of the LEA, or by the charter school itself if the charter school is its own LEA, but the need for services cannot be a reason to deny enrollment for the child with a disability. This seems to be something that comes up fairly often in the questions, and you would follow the procedures.

In terms of whether or not a child is otherwise qualified, you would look at what are the enrollment requirements for this particular school and does the child with or without accommodations meet those requirements. So, like, for example, a four-year-old child is not otherwise qualified to attend a high school, so a parent could not make such a request. But if a child is of the correct age for a charter school and the charter school does not have any other enrollment requirements or criteria, then that child should be allowed to enroll.



**Slide 20**

Ron, am I missing anything there?

**RONALD HAGER:**

No.

**DIANE SMITH HOWARD:**

Okay.

**RONALD HAGER:**

No. The only thing that's kind of related to a lot of the questions that have come in, is that if the charter school is the school district—the LEA itself—then they have to provide support services to that student like any other public school would.

**DIANE SMITH HOWARD:**

Right.

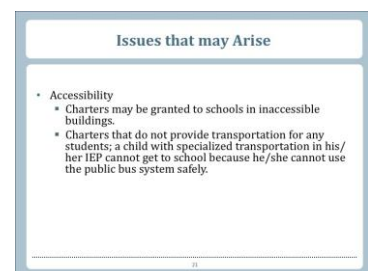
**RONALD HAGER:**

Yeah.

**DIANE SMITH HOWARD:**

Yeah, I think that's pretty clear in the law. I understand that it may be not as clear in practice, and it may not always be easy to do, but the law, I think, is pretty clear about that one.

One of the other things that comes up a lot is inaccessible buildings. I know [that] in some of the states I've lived in, charter schools have taken over older school buildings, and some of those older school buildings don't have ramps, and elevators, and other things. It is not acceptable to deny entrance to a child who uses a wheelchair or who has other disability-related needs because of accessibility issues or to deny access by parents or other community members just as any other public school would because the building is inaccessible. The question really would be: "When was the building built? If it ... can it be reconfigured to be readily accessible, [and] can you move the programs around so that the child can access them?" You know, newer buildings, obviously, have fewer difficulties with that sort of thing, but



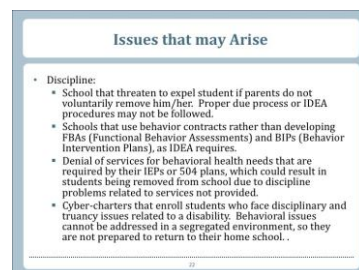
**Slide 21**

older buildings sometimes have to be retrofitted and sometimes that is costly and difficult, but it is certain to come up a fair amount.

A second issue that comes up in our network is the issue of transportation. Some charter schools, particularly in urban areas, do not provide school bus service, and some children require specialized transportation pursuant to their IEP or their 504 plan, and some children can't access public bus systems or subways safely on their own, and so they need to be provided specialized transportation. If the IEP or the 504 plan includes specialized transportation, the charter school needs to provide that, and I think some charter schools have perhaps not always been prepared to do that.

And then behavioral health needs. I think this is an issue that has come up a fair amount in the questions. "What do we do with kids who misbehave because of their disabilities?" As we just talked about, the IDEA is fairly clear about removing children from school and the requirements that one must follow, and Section 504 has almost the same requirements. So you cannot remove a child with a disability from school without following those procedures. But perhaps more importantly, if a child has a behaviorally related disability, it makes sense to have behavioral goals in the IEP and to provide behavioral services to that child. The child can make progress on those goals.

Goals in an IEP—for many children—are not just academic goals, like the child will progress in reading from this point to this point during a six-month period, but there also would be behavioral goals and objectives, such as the child will learn alternative ways to express discomfort other than behavior X, Y, and Z, and the following services will be provided to that child to work on those goals and objectives. Those services might be a behavior plan, or group counseling, or individual counseling, or a [inaudible] downtime or other certain [inaudible]. There [are] a lot of behavioral interventions that are quite inexpensive that often show up in children's IEPs and 504 plans. So instead of waiting until



## Slide 22

there's a problem, it probably makes [sense] to have the IEP team look at [inaudible] needs of the child and develop goals and objectives proactively.

And those were the [inaudible] I had planned to talk about and then I'm comfortable with jumping into the questions, and I can either address the questions that were sent in or I can do questions off the line, whichever is your preference.

**RONALD HAGER:**

[Inaudible] I've been cutting and pasting into that box. I don't know if you want to summarize a couple of them and ask us or how you want to handle it.

**DIANE SMITH HOWARD:**

That sounds good. One question is, "Do we legally have to provide all the services that IEP or 504 accommodations require, even though our school facilities or funding is not appropriate? Can the student come to our school who gets services from another public school?" I think, as with all these types of questions, you go in two directions. First of all, what are the procedures, and secondly, is the charter school an LEA or part of an LEA? So if the charter school is its own LEA, then the charter school needs to provide all the services in the IEP or the 504 plan. That is just fact, and sometimes that can be challenging. The charter school, even if it's its own LEA, may have a relationship—a contractual relationship—with some other entity to provide some of those services on-site at the charter school. I know that some charter schools have done a really great job at proactively seeking partners that they can work with to provide the services that they themselves cannot provide. If a charter school does, if it's its own LEA, it needs to be prepared to provide the full continuum of services, meaning services to meet the needs of all children all the way up and down the spectrum. So that's the short answer.

The second part of that is, if you follow the procedures set forth in the IDEA or Section 504 about how to make placement determinations, it really kind of answers itself. I



mean, the first step is to have an individualized determination of the child's needs and develop a program—an IEP or a 504 plan. Then determine the best place for that program to be provided using the placement team. So you've got Step 1, make the plan; Step 2, how to convene the placement team. Step 3 is then to figure out how that plan is going to get implemented once you've figured out where the placement is going to be. Sometimes if you are very focused on what resources are available, you may go backwards. You may start with the resources that are available and then to determine the plan based on what the resources are; and that's the kind of progression that's likely to cause a problem. So if you start by creating the program, determining the placement, and then figuring out how that's going to happen, it's going to work much better than to configure it backwards.

**RONALD HAGER:**

And, Diane, a public school district that cannot meet the needs of a student with a disability in its own schools is allowed to make a referral to a different school—separate school—that might be able to meet those needs. Would a charter school have that same obligation, do you think?

**DIANE SMITH HOWARD:**

Absolutely. If the charter school is its own LEA, it could contract with a child to attend a segregated program if the child's placement team determined that the program was the best choice and then they would have to pay for the program, just like an LEA would. And then I think the other piece is if the charter school is part of an LEA, oftentimes the LEA will provide services, you know, from the intermediate school district or whatever to come into the school—the charter school—and provide services and/or a program for that child to attend. It's okay to move the child into another program so long as the placement team has made that decision and the decision has not been made unilaterally by the district.

**RONALD HAGER:**

Diane, a lot of questions came up along that line. And the other related question is when making the placement decision, the least restrictive environment obligations apply. So the goal—and this is for everyone—the goal is to provide supplemental aids and services to the student in the regular school classroom, and even students with significant behavioral and cognitive needs can have their needs met in that kind of setting. So that's where the individualization requirement comes in. Are you truly providing the supports and services both to the student and to the regular education teachers in that charter school to enable a student with a disability to be in a regular class with the supports? So even if a student has intensive needs, it doesn't automatically mean that that student goes to a segregated setting. You see that happening in the regular school districts all the time, where they put kids into segregated classes or segregated schools that they could potentially have been, had the needs met in a more ... in the regular school with appropriate supports. So the charter school has to make sure that they are really following those least restrictive environment guidelines.

**DIANE SMITH HOWARD:**

Yes. And it's interesting, isn't it Ron, that these are the same issues that we encounter all the time in regular public schools. I mean the issues ...

**RONALD HAGER:**

Exactly.

**DIANE SMITH HOWARD:**

are no different. And it's the same financial and other resource constraints that bring us to these problems I think.

All right. "How should an independent study charter school address the needs of a child with a disability then? The question disappeared in the middle. I'm not exactly certain what an independent study charter school is. My guess is it would be a charter school that a child proceeds through a

homeschooling type of curriculum. But if someone wants to clarify that, that would be helpful because I'm not exactly sure what that term means.

One question that did come up, though, in the questions sent previously that may be related is [as follows:] "How long can a child be out on tutoring and how do we serve that child?" I'm guessing, Ron, you'll have probably have some things to say about this, too. But anytime I hear about a child out on tutoring for an extended period of time, that raises some red flags for me because tutoring is usually in almost no cases the least restrictive environment for a child because homebound is by definition the most restrictive setting. And it's also very difficult to implement all parts of a child's IEP—meaning complete access to the general curriculum and all of the related services in the IEP in a homebound setting. And then if the child has behavioral issues, it is extremely difficult to make progress on most behavioral goals in the absence of other children. So a child may have behavioral goals that involve interacting with other human beings, and if he or she is not around those human beings, they're not going to be working on those goals. So they don't integrate well back into the regular school setting.

So, I think, the short answer would be, if a child is out on tutoring and they're not on tutoring as a result of one of those three very bad things we talked about—guns, weapons, drugs, or serious bodily injury—if they're not out for that reason, the IEP team and the placement team should be meeting pretty quickly to determine what needs to happen to bring that kid back into full-time school. By full-time school, I mean the same number of hours that the other children his or her age are attending school. So we see sort of a red flag any time a child is attending school for fewer hours than the other kids are or they're out on homebound for an extended period.

And I have to admit my ...

**RONALD HAGER:**

I have a question that ...

**DIANE SMITH HOWARD:**

Please.

**RONALD HAGER:**

came in, Diane, from the charting scroll. “What about a charter school that has been created specifically for a certain type of student with a disability, are they subject to legal challenge?” So this would be a charter school whose goal is to serve students with disability only.

**DIANE SMITH HOWARD:**

Oh, I think that is an excellent question. I think if we go back to our mantra: If you look at each individual child, and you look at whether the placement team did its job and determined that this particular placement for this particular child was the least restrictive environment and is the place where the child could receive services to the maximum extent, if each kid in that program is in the right place, then there’s nothing wrong with it—right?

**RONALD HAGER:**

Yes. I mean I think public schools are allowed to place students in special schools, as long as it meets the requirements for LRE, so I would assume in a charter school that’s set up for students with disabilities, unlike the public school placing the student there, the student would just voluntarily enroll in that program. So I think that that would be appropriate.

We like the better idea: There’s at least a couple charter schools out there that are modeling themselves as full inclusion programs. That would be our preference. I guess one of the advantages of a charter school is there’s tons of special education cases where the public school—the parents feel the public school is not meeting the child’s needs, and they make a unilateral placement in a private school, then sue the district for the tuition. If there’s a charter

school that the parent feels they could meet their needs and they could just go right to that charter school, that would save a lot of legal hassle with the public school district. So that might be an advantage to having a specialty charter school that the parents could choose to send their child to.

**DIANE SMITH HOWARD:**

I think there is always the concern that if you build it, they will come. You know, if you create a charter school specifically for children with the autism spectrum—on the autism spectrum—the teams will place children in that program even if it isn't their least restrictive environment because it's conveniently located. So that's why I think we have to go back and just look at each individual child and what their individualized needs are.

But I do worry a little bit when I start to see a lot of them popping up because if you look at the demographics, you know, you can tell how many kids should need a program like that; and if the number is higher, then that's a concern.

One of the things that someone had brought up earlier, too, is the role of the SEA, the state education agency, in looking at data. And in some states, the data for children with disabilities in charter schools is concerning and some states, of course, it's not. Some states do a fantastic job. But if you look at the data and the charter school is enrolling a significantly lower number of children with disabilities or a lower number of children with disabilities within specific categories—particularly categories that are harder to serve—if you look at that data and it looks skewed in some manner, like it looks like either the number is too low, way too low, or way too high, that would be a time that the state education agency would want to take a look at policies and practices of those charter schools and get a sense as to whether or not discrimination is occurring. Now it may just be that there is, you know, it's just happenstance, so there's nothing that says for sure that it's an issue, but it may be. It may be that the charter school is not advertising in the appropriate communities and so forth, and I know that some

states have looked into these issues with regard to limited English proficiency, race, and gender—and other things too—to make sure that the distribution within the charter school is roughly equivalent to the demographic distribution within the public school system as a whole.

Okay. One of the questions too—I'm going to read the question out loud. "What can charter schools do about having to accept students who have IEPs that require the student to be in a self-contained classroom?" The children want the mainstream, but they may not be ready for it. I think this—let's step backwards, again, and look at the process. If a child has an appropriately drafted IEP or 504 plan, if the programming is good, and the programming is determined based on recent comprehensive evaluations, so evaluators who are knowledgeable about the student have made recommendations, and the program has incorporated those recommendations, and then the placement team has looked at that program and what the various options are within the district and figured out which program is best for that child and made a placement determination, then that should take care of the problem. If there's an issue where there's a dispute about whether the child should be in a self-contained classroom or not or what kinds of services the child may need, I think there's been a glitch somewhere along the line. And so the question is, "Did the placement team make a mistake, did the program planning team make a mistake, or is there just an honest dispute about what the most appropriate program is?" In which case, the due process procedures may be the best place to take a look at that, or a facilitated IEP meeting—or some other—through a formal structure to take a look at what the dispute is and determine whether more evaluative information is required or where the glitch has occurred. I hope that answers that question.

Looks like there [are] a lot of questions going on in the chat line, so I hope I'm not missing any.

**RONALD HAGER:**

[Inaudible] fast and furious. I had one earlier, two that

related, Diane, that deal with a parent having to relinquish their rights under IDEA to go to a charter school.

**DIANE SMITH HOWARD:**

Oh my goodness!

**RONALD HAGER:**

And I think that is 100 percent illegal.

**DIANE SMITH HOWARD:**

Yes!

**RONALD HAGER:**

That is not a—if it's being done that way—that charter school is really setting itself up for a legal action—that the parents do not relinquish their rights to go to a charter school. They cannot relinquish their rights to go to a charter school.

**DIANE SMITH HOWARD:**

I can think of at least five ways that that is illegal.

**RONALD HAGER:**

[laughs] And that's right off the top of your head!

**DIANE SMITH HOWARD:**

[Laughs] Yeah. And I think that that kind of goes hand-in-hand with the counseling-out issues that we hear about too, that during those initial enrollment conversations with parents, it's really important to be very clear about what the school's policies and procedures are, that the IDEA and [Section] 504 apply, that the child is welcomed, and to be very welcoming with the parent about what sort of accommodations does your child need and to be clear about that. And then if the charter school feels like this child is not a good fit for them, then that's a good time to have a 504 or IEP meeting and take a look at what the issues are, and to have—you know—open communication with the family; and sometimes that requires bringing in an interpreter. Some families don't speak English—you know—and it may require



some effort to do that. But that's sort of, I think, the best way to stay out of hot water and, of course, follow the procedures, just step by step by step.

**RONALD HAGER:**

A corollary to that comes up when the charter school, like a regular public school, suspends a student with a disability. A couple of questions came up related to that from your earlier discussion, Diane.

The first thing is, and this is where I'm taking off from where Diane was. We call it the prevention focus of IDEA, and there's actually the same concept built into [Section] 504. When you develop, when you have a student with behavioral needs, as Diane said, you're not just looking at their academic but also their behavioral and emotional needs in developing the IEP. And the goal in developing that IEP is to get a good handle on why the student may be engaging in that behavior and addressing a proactive plan to deal with that behavior. So that's the first goal, is that the charter school should be looking at providing support services for the behavioral and emotional needs of the student so you don't get to the discipline question. Then if you do have misconduct that gives rise to discipline, you know, if it's going to be a longer-term discipline—10 days or more—you have to do the manifestation determination to see if the student's misconduct is related to the disability.

That also comes in—because there was a question—“What about if the kid is suspended for less than five days, come[s] back, is suspended again for a shorter period of time, comes back, [and is] suspended again?” There [are] provisions both in IDEA and [Section] 504 for students [who] are repeatedly suspended, even though each individual suspension is shorter than the 10 days. There's a grouping there that adds up to more than 10 days, and in that case, you would also want to do a manifestation determination review. Legally, you have to do it, but even in terms of that proactive approach, if you're trying things and they're not working, you got to keep trying other things.

**DIANE SMITH HOWARD:**

Ron, I'm going to jump in here because I was just looking at the chat and talk about the continuum for a second, and I welcome your thoughts on that. The continuum, if I understand it, is starting on the far end with homebound services; hospital services; then segregated private schools/segregated public schools; then kids who are segregated within a building, like there's a wing where special ed[ucation] is; and then kids who are segregated within the building by classroom; and then kids who are segregated within the building by program, like they get math[ematics] and reading in one separate from their peers, but they have lunch and recess with the other kids. And then you start to move toward inclusion in the regular classroom with supports and services, and supplementary aids and services, and then inclusion in the classroom with accommodations. And, of course, the least restrictive environment is full inclusion in the classroom with his or her age peers without accommodations.

Just to make clear, my understanding is that an LEA, or if a charter school is its own LEA, is responsible for providing that full continuum of services. So if a child walks through the door who requires segregated private school placement because of his or her intense needs or a homebound program, or whatever, the charter school that is its own LEA would be required to provide that and to contract with whatever program could provide that service. I don't think that there is an exception for that, so in the same way that a district may have a kid who needs to be in a residential program and may have to pay for it [inaudible] regular public school district, a charter school that its own district would need to do the same thing. Wouldn't it? [pause]

**RONALD HAGER:**

I believe so. That was the question I had earlier, Diane.

**DIANE SMITH HOWARD:**

Yeah. I mean they're the district, [inaudible] I think.

**RONALD HAGER:**

Right, unless there is, like you said earlier, if the charter school is a specialty type of school; you know, there are some charter schools that are created for certain type of interest or certain type of whatever. They might be able to say, you know, we're not chartered for that, so there might be a little wrinkle there in terms if it's a specialized charter school that only is serving a certain interest group, but then they would have to ensure equal access for students with disabilities with accommodations and supports.

**DIANE SMITH HOWARD:**

And if I think if they're the LEA, they would need to still purchase those services elsewhere because they are the LEA. So they could say "not in this school," but we will get you another school—basically, Then, of course, if the charter school is within an LEA, which is, obviously, a lot easier, then the LEA would be responsible for placing those students with intense needs, same as they would anybody else. So I don't think there's an exception there for a charter school that is its own LEA in terms of having to pay for a private residential placement. I don't think it comes up very much, but I think it could.

Somebody says, "If we don't have a self-contained classroom, do we have to create one?" I think that's the same sort of question. You have to provide that continuum that I just talked about, and however you do that is sort of your own personal business. But if you have children who require a self-contained classroom within the school, if they're down at that end of the continuum and you don't have it, I think you need to provide it. And that's where, I think, it becomes significantly easier for charter schools that are within an LEA than a charter school that its own LEA because it is a challenge for a charter school that is its own LEA sometimes to provide that full continuum of services.

And we were talking earlier today about best practices, and one of the good practices I've seen is that charter schools that are on their own LEA have sometimes proactively really

thought through, “How are we going to meet the needs of these other kids and what kind of contracts can we put in place with people who can provide those services for us so that we have some insurance so [that] one or two high-needs kids don’t bankrupt us because high-needs kids could come through the door? And so what sort of provision do we have to make sure that we can have financial stability in the remainder of our programs if that were to happen?” I know some public school programs, certainly in some states that I’ve lived in, have insurance policies just for that particular purpose—to protect themselves against that kind of thing.

All right; why don’t we take another question? Initial referrals assessed for the question of learning disabilities have different prereferral interventions at a charter school. In order to establish a child needs services, you have to show that the child has failed. Let’s go back to that slide about eligibility. Let’s see if I can find it, but it’s toward the front. But basically, the eligibility determination process for IDEA is pretty simple: if the child has a disability that meets one of the enumerated definitions and does the child require special education. If the district attempts response to intervention and it doesn’t work, there are two choices there. You can try new interventions, if the family is willing to wait a little longer, or you can start the eligibility determination process for special education. It is not, as we said earlier, you can’t require a child to fail in order to become eligible for special education, and you can’t require a child’s behavior to get to the point where it’s time to move that child into another placement. You need to focus, as Ron was saying, on the prevention focus with regard to behavior and to try academic interventions up to a point. But if the academic interventions aren’t working, then it’s time to consider eligibility if you think that change in the academic interventions another time isn’t going to make a big difference. I hope that answers that question.

**RONALD HAGER:**

And Diane, both OSEP—the special ed[ucation] [arm of the] Department of Education, the group that monitors IDEA—

and OCR [[Office for Civil Rights](#)] that monitors [Section] 504 have said that if a parent makes a referral for an evaluation, you can't keep ...

**DIANE SMITH HOWARD:**

Right.

**RONALD HAGER:**

... requiring the kid to go through RTI—response to intervention. You have to start the referral process. So you can have it, you can use it, but if the parent says no, I want to bypass that, they have to do it. And I have a ...

**DIANE SMITH HOWARD:**

Yeah.

**RONALD HAGER:**

... corollary question that's come up in a lot of different ways on these ... in these chat rooms and stuff about [the following:] "What happens if the charter school is recommending one thing and the parent says no, they don't agree?" No matter what it is, there's a bunch of different issues that came up. The basic way that it works—and this would be if the charter school is its own LEA because otherwise it would be the school district that would be having these conversations—but the IEP team makes a recommendation, and it is supposed to be by consensus. The goal is to have consensus. That's the dream—to have consensus—but ultimately the school is allowed to make a decision, even if the parent doesn't agree with it. Then the parent has the right to due process.

So the basic way that will work [is] in any kind of context. What if we say this and the parent says no? Your goal is to try and get the parent and you to come to agreement, but there are going to be cases that it's not going to happen, then you make your best educational decision based on what you think is appropriate for the student. You make that recommendation and the parent has the right to go to due process, which is a formal impartial due process hearing; it's

very adversarial, very, very expensive. No one wants to do it, even the parent attorneys that don't want to do it. But that the parent does that, many times if the parent does get an attorney involved, the cases do settle, but you have to make sure that if you have a disagreement, you make the recommendation and give the parent the right to challenge it.

**DIANE SMITH HOWARD:**

Related to that, Ron, I just saw a question that I think is an important one to answer. Somebody said, "Is it possible for the charter school to amend the IEP to match the services that it has to offer?" And, again, I'm glad that sort of raises the question because it is illegal in about 85 different ways, and I would hate to see somebody do that and get themselves into trouble.

As I said earlier, the best way to stay out of trouble is to follow the procedures. So Step 1 is to determine the program and write the IEP or the 504 plan. Step 2 is to have a placement meeting and determine what placement is available that will meet that child's needs. But the first step is to make the program based on the child's needs. In going backwards and making the program based on what services are available is the best way to get yourself almost immediately into hot water.

The charter school needs to implement the IEP that the child came with. If the charter school does not feel that it can implement the IEP, then it is time to have an IEP meeting and figure out if the child still has the needs that are on that IEP. You can't take services off an IEP without an evaluation showing that there's no longer a need. So services can't just sort of magically disappear from an IEP. And then, if there's an honest dispute, as Ron was just saying, the charter school says this child doesn't need these services and the family says the child does, then the due process procedures go, step into play. But you can't take a service off an IEP without the parent's consent, and you can't remove a service from an IEP unless you can show that the goal related to that service has been met. So if the child has a goal in the

IEP that says that special education services will be provided to assist Johnny in reaching a reading level of X, and you evaluate him and he's reached that reading level, it's perfectly fine to strip those services off, if the family agrees, but it's not okay to ever unilaterally remove a service from an IEP.

All right. Let's see what other questions we have on our list here. It's been an ongoing concern that special education regulations contradict charter school and equal access regulations. Charter schools cannot deny a student access to enrollment; however, many charter schools do not have a continuum. We talked about that a little bit. But it does raise the question that has come up a couple of times about what happens when state regulations do not comport with the federal IDEA and [Section] 504 regulations. And I think the short answer there is, generally speaking, I would need to see the regulation in question. But, generally speaking, federal law trumps state law, especially if it is federal law that is specific to the issue in question. So if the issue in question is what are child special education rights, then I think more than likely the federal law, the IDEA or [Section] 504, is going to trump the state law regulation.

Now there is sometimes a way that they can be read together, like the state law or a local policy or contract may talk about who is responsible for providing the service, and that wouldn't actually specifically contradict the IDEA. The IDEA says the service shall be provided; it doesn't say by whom. So if there is a viable contract that says this party shall provide the service when it's needed, it's probably not a direct contradiction. But if the local or state policy said, "Oh, we don't need to provide that service at all," that would be a direct conflict probably with the IDEA or Section 504, and so the federal law would then trump it. [pause]

Okay. All right. Why don't we take maybe one or two more questions and then sort of see where we are. We have plenty of questions.



**RONALD HAGER:**

[Inaudible], do you see any or is this [inaudible] do you see any that we've missed that you want to bring to our attention? Because we're both, it's kind of like we feel like we're both doing like three hands at one time here.

**DIANE SMITH HOWARD:**

Yeah; we may well have missed something important.  
[pause]

I'm going to jump in and talk about the crossing the stage question because I think that brings up two pieces. Somebody asked, "What can we do about a child who is supposed to cross the stage at graduation and we feel he hasn't met the requirements?" There's two pieces to that. First of all, there's the question about who is eligible to cross the stage at graduation or to participate in high school graduation ceremonies. And the second, who is eligible to graduate—because some people participate in graduation ceremonies who have not graduated. Maybe they've graduated with an IEP diploma, or a certificate, or [a] GED.

So Step 1, "What are my district's policies and procedures around who is eligible to participate in graduation ceremonies?" Most districts have requirements around that. You have to have a particular GPA [grade point average], you have to have not been suspended or expelled in the last school, that kind of thing.

So if the child is otherwise qualified for the participation in graduation requirement, then the child shall walk the stage. And with that, because that's a Section 504 requirement, the question is, "Does the child need accommodations to be otherwise qualified to participate in graduation?" And that comes up this time of year around prom and eligibility for a number of other services. Children with disabilities typically are allowed to attend prom just like all other kids as long as they're otherwise qualified and they haven't been disqualified because of nondisability-related behavior. So that's one piece.

The second piece is, “Who is eligible to graduate?” And most states these days have fairly specific requirements about eligibility for graduation. Graduation requirements, like all other public policies, are subject to accommodation requirements under [Section] 504 and ADA. If the child can meet the graduation requirements with accommodations, [then] that child may be eligible to graduate. In some districts, a child can qualify for graduation by meeting the goals on his or her IEP. That possibility is shrinking in most parts of the country, but that is still the case in some places. So the first step is to look at, “What are the policies and procedures at graduation and its requirements and around graduation participation and its requirements?” Take a look at those, and if you follow those and make any necessary accommodations that the child might ask for, you’re pretty much good to go I think.

**RONALD HAGER:**

And there was a question that came up about lotteries. If this charter school is set up so that every student gets in by lottery, then the school district can’t—the charter school cannot—say we’re only going to take people that don’t have a disability in our lottery system.

**DIANE SMITH HOWARD:**

Right.

**RONALD HAGER:**

So the lottery can be done if that’s how students get into the charter [school]; you just can’t have a separate rule for students with disabilities.

Another question that came up about discipline is, “Can a charter school expel a student with an IEP without involving the CSE [[Committee on Special Education](#)], which is the IEP team in New York state?” No. No, you cannot. That’s the classic discipline case; you cannot remove a student with a disability without involving the IEP team. Well, it’s actually not technically the IEP team; it would be a team that would do the manifestation determination review, which is comparable to the IEP team.

The third question that came up that I don't know for sure what the answer is, but I think maybe worth coming back to this, Diane.

**DIANE SMITH HOWARD:**

Yes.

**RONALD HAGER:**

"If a child comes with an IEP, in other words, and I'm assuming that the charter school is an LEA, if the parents are enrolling a child in the charter school, but their IEP says the child should be in a self-contained classroom, and the charter school does not have a self-contained classroom, can the charter school refuse to admit that student?"

**DIANE SMITH HOWARD:**

Well, I think, we know the answer to that question. [laughs]

**RONALD HAGER:**

That's why I'm asking you, Diane. I ask, and you answer it. It's a softball.

**DIANE SMITH HOWARD:**

We go back to our procedures. We develop the program based on the evaluative material that tells us what the child's needs are. Then you determine what the placement is. And if the LEA, if the charter [school] is its own LEA, and the child requires a self-contained classroom within the school building, if that's where their least restrictive environment is, then that is how it is. [laughs] There's not a lot of ambiguity there.

Again, it's sort of like the question about [the following:] "Can we change the IEP to match the services we have available?" No. No, you can't. You need to ... however, that doesn't mean ... you know, most of the parents that I work with—and I'm sure you've had the same experience—most parents are very flexible people, and if there are ways to accommodate the child within the classroom or some sort of work around, many families are very willing to consider that

sort of thing. But we're here talking about what the law says, and the law says that if the child needs a self-contained classroom, [then] that shall be provided.

**FEMALE SPEAKER:**

Diane, this is [inaudible]; I can jump in for one second? This is [inaudible] from the U.S. Department of Education, and I think Diane and Ron have been answering great questions. For the most part, they apply to most charter schools, but if you are listening in and you're a charter schools program grants recipient, either directly through the non-SEA Program or as a subgrantee, please contact your charter schools program staff if you have a specific question related to your school. Because there are some, a few instances, in which the response is a little different if you're receiving federal funds through the charter schools program currently. Thank you.

**DIANE SMITH HOWARD:**

Okay.

**TAMMIE KNIGHTS:**

And Diane, this is Tammie, I just want to jump in, too, to see one of the trends I've seen in the chat is a question about virtual schools, particularly completely virtual schools, and if the law changes at all for those types of charters in terms of serving students?

**DIANE SMITH HOWARD:**

Well, I think, Ron, you might know more about this than I do, but my impression is that it wouldn't. I mean if a virtual school is its own LEA, I would think it would have no different requirements than any other charter school, as long as it was a properly formulated charter. Am I missing something?

**RONALD HAGER:**

I think the question is, "Do they have an obligation to provide behavioral supports to a student that's attending and how would they do that—practically speaking—if they don't have

any staff except for some remote location? Would they be required to hire somebody locally to do the FBA [functional behavioral assessment], do the BIP [behavior intervention plan], and to provide the behavioral support services to that student where he or she is?”

**DIANE SMITH HOWARD:**

I can think of clients I’ve had over the years for whom a virtual program would just not be the appropriate placement for reasons just like that. So I think the question would be in part for the placement team, “Is this the right program?” [pause]

**RONALD HAGER:**

I would agree.

**DIANE SMITH HOWARD:**

Many kids just don’t do well in a virtual environment.

**RONALD HAGER:**

On the other hand, there are many kids with a lot of significant behavioral needs that do wonderful in a virtual environment. You know, that’s the individualization piece.

**DIANE SMITH HOWARD:**

And also lots of kids with significant medical issues for whom it would be just a blessing to have. Again if the charter [school] is its own LEA, if the charter can’t provide the service, it needs to find another way to do that. You just stick with the individualized analysis of what is this particular child’s needs. [pause]

Okay. Any other questions? We’re happy to stay on for a little while longer. [pause]

Okay, Tammie and Cindy, do you need us to stay on the line?



**Slide 24**

**FEMALE SPEAKER:**


No, I think this was great, really good information, and thanks so much for taking the time to share your expertise with us and answering all of our questions as well.

**DIANE SMITH HOWARD:**

Great. Thank you very much. It was a pleasure to speak with you.

**TAMMIE KNIGHTS:**

Thank you both. And I just wanted to quickly thank every, all of our participants. We are going to be enacting a survey as soon as we close out. We'd really like your feedback so we can make sure that we provide fantastic webinars for the topics that you think are most relevant in the field. So if you could please complete that. Thank you, Diane and Ron, for sharing with us today.



Thank you for participating.

- Learn more about future webinars in the ELL series hosted by the National Charter School Resource Center: <http://registration.airprojects.org/NCSRCELL/register.aspx>
- This webinar will be archived at the following website: <http://www.charterschoolcenter.org/webinars/>
- Please share your feedback with us through the evaluation.

**Slide 25**

**DIANE SMITH HOWARD:**

Thank you.

**RONALD HAGER:**

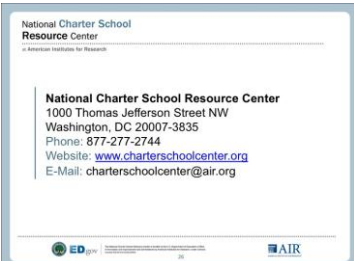
Thank you.

**DIANE SMITH HOWARD:**

Thanks again. Bye.

**RONALD HAGER:**

Bye.



National Charter School  
Resource Center  
In American Institutes for Research

**National Charter School Resource Center**  
1000 Thomas Jefferson Street NW  
Washington, DC 20007-3835  
Phone: 877-277-2744  
Website: [www.charterschoolcenter.org](http://www.charterschoolcenter.org)  
E-Mail: [charterschoolcenter@air.org](mailto:charterschoolcenter@air.org)

ED.gov AIR

**Slide 26**